

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on January 26, 2001 at 3:10 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Al Bishop, Chairman (R)  
Sen. Duane Grimes, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Sen. Bob DePratu (R)  
Sen. Eve Franklin (D)  
Sen. Don Hargrove (R)  
Sen. Dan Harrington (D)  
Sen. Royal Johnson (R)  
Sen. Jerry O'Neil (R)  
Sen. Emily Stonington (D)

**Members Excused:** Sen. Fred Thomas (R)

**Members Absent:** None.

**Staff Present:** Jeanne Forrester, Committee Secretary  
Susan Fox, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 257, 1/18/2001; SB 171,  
1/16/2001  
Executive Action: SB 82; SB 77

#### **HEARING ON SB 257**

**Sponsor:** SEN. JOHN BOHLINGER, SD 7, BILLINGS

**Proponents:** Diann Mueller, Billings  
Mick Wolff, Billings

**Opponents:** None

**Opening Statement by Sponsor:**

**SEN. JOHN BOHLINGER, SD 7, BILLINGS** introduced SB 257. This bill would provide for protection of abandoned children. This bill specifically included abandonment as a basis for abuse or neglect proceedings and a determination that a child is a youth in need of care. Under this proposal a grandparent or relative, who is caring for this child, would be allowed by the court to intervene if it is determined to be the best interest of the child. The purpose of this bill is to give be for grandparents of abandoned grandchildren the right to provide protection before child abuse or neglect occurs. The heart of this bill would allow grandparents to intervene.

**Proponents' Testimony:**

**Diann Mueller**, Billings, and her husband have had guardianship of their nine year old granddaughter. **Ms. Mueller** had been a facilitator of a support group for grandparents raising grandchildren, sponsored by AARP, St. Vincent's Senior Services, and the Billings Community Center. During that time she heard numerous horror stories of how grandparents have struggled. SB 257 would give grandparents and other relatives the legal right to protect children before abuse and neglect have taken place. Ms. Mueller's testimony is attached **EXHIBIT**(phs21a01).

**Ms. Mueller** read a letter from **Gladys Stahl**. **Ms. Stahl** was unable to attend the hearing, but urged the committee to promote this bill.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SEN. HARGROVE** asked if other relatives are included. **SEN. BOHLINGER** said he had some amendments to further clarify the bill **EXHIBIT**(phs21a02) SB025701.asf.

**SEN. CHRISTIAENS** said the definition of grandparents was unclear. He wondered if these were only biological grandparents, or would blended grandparents be included. He doesn't feel the definition goes far enough. **SEN. BOHLINGER** said he was not sure what the definition of grandparents was, and he would check to see if the definition should be expanded.

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**SEN. HARGROVE** asked if the placement of children is left up to the judges. **SEN. BOHLINGER** said his intent was to give grandparents a preferential position in the court.

**SEN. O'NEIL** asked if this bill would give preference to the grandparents over the noncustodial parent. **SEN. BOHLINGER** said the United States Supreme Court has ruled that parents have first standing in their relationship with their children. He said he was mostly concerned about parents who have abandoned their children.

**SEN. DEPRATU** agreed the definition of grandparents should be tightened.

**SEN. STONINGTON** asked why "abandoned" had been struck from section two. **Mr. Hunter** replied that abandonment had now been added to the definition as a type of abuse. He passed out the amendments from his department **EXHIBIT (phs21a03)**.

**Sen. Stonington** asked if the bill had any additional substance other than the issue of abandonment. **Mr. Hunter** said the bill would give specific rights to grandparents and other relatives.

**SEN. JOHNSON** had a question about the amendment for page 6, line 5. **Mr. Hunter** said the intent of this was for the relatives who are presently caring for the child, not some long lost relative.

**SEN. HARGROVE** was concerned about the effect this bill would have on grandparents living in another state. **Mr. Hunter** did not believe it would have any effect on them.

**SEN. BISHOP** asked what is "substantial risk of abandonment" and why was that struck from the bill. **Mr. Hunter** said abandonment is pretty clear, but they were not sure what "substantial risk of abandonment" actually meant.

**SEN. O'NEIL** asked the sponsor if he would you have an objection to having this bill amended to show noncustodial parents already have priority. **SEN. BOHLINGER** said he would leave that up to the wisdom of the committee.

**SEN. CHRISTIAENS** said they found the section of the law that cleared up the relationship with grandparents. **SEN. BOHLINGER** said the present law, section 40-4-28228, regarding the relationship of the nonparent and the child, it is in the best interest of the child to continue their relationship. **SEN.**

**CHRISTIAENS** said he would work with **Ms. Fox** and prepare an amendment to clarify the intent of this bill.

**Closing by Sponsor:**

**SEN. BOHLINGER** said they were trying to preserve a special relationship for grandparents. He would also like the description be expanded to kinship care givers, which would include brothers, sisters, aunts and uncles. He thanked the proponents for their testimony.

**SEN. BISHOP** asked that all amendments be prepared for this bill, by Wednesday, January 31, 2001. He would like the committee to take executive action.

**EXECUTIVE ACTION ON SB 82**

**Ms. Fox** explained amendments to SB 82 **EXHIBIT(phs21a04) SB008201.asf**. She said the bulk of the amendments remove the reference to the state auditor's office.

**Motion/Vote:** **SEN. STONINGTON** moved that **SB 82 BE ADOPTED AS AMENDED**. Motion carried 10-0.

**Motion/Vote:** **SEN. STONINGTON** moved that **SB 82 DO PASS AS AMENDED**. Motion carried 10-0.

**EXECUTIVE ACTION ON SB 77**

**Ms. Fox** explained the amendments to SB 77 **EXHIBIT(phs21a05) SB007701.asf**. These amendments came from the DPHHS.

**Ms. Fox** then passed out a TANF Block Grant tracking sheet **EXHIBIT(phs21a06)**. **Sen. Christiaens** had requested this from **Mr. Hudson**.

**Motion/Vote:** **SEN. HARGROVE** moved that **SB 77 BE ADOPTED AS AMENDED**. Motion carried 11-0.

**Motion/Vote:** **SEN. HARGROVE** moved that **SB 77 DO PASS AS AMENDED**. Motion carried 10-0.

HEARING ON SB 171

Sponsor: SEN. BILL GLASER, SD 8, HUNTLEY

Proponents: Mary Ann Wellbank, Department of Public Health and Human Service, Child Support Enforcement Division

Opponents: None

Opening Statement by Sponsor:

SEN. BILL GLASER, SD 8, HUNTLEY, introduced SB 171. This is a cleanup bill for the Child Support Enforcement Program, to help the department run more efficiently and effectively.

Proponents' Testimony:

Mary Ann Wellbank passed out a section by section description of SB 171 **EXHIBIT**(phs21a07).

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. CHRISTIAENS what kind of income were you getting back in the repayment of TANF funds. Ms. Wellbank said last year they collected over \$3 million for the repayment of TANF funds, 70% went back to the federal government and \$1.2 million went into the states' special revenue fund, which helps fund child support.

SEN. CHRISTIAENS asked if those funds had been calculated into the special revenue funds current budget. Ms. Wellbank said they were.

SEN. CHRISTIAENS then asked how they were going to determine what they would collect in the next two years. Ms. Wellbank said since welfare reform, the TANF collections have dropped, but have remained fairly constant at about \$2 million.

SEN. CHRISTIAENS asked why they have to pay back money to the federal government. Ms. Wellbank said when someone goes on TANF, they assign their rights of child support to the state. While on TANF, they cannot get both their child support and TANF funds, so if the CSED collects the money, it can be kept at the Medicaid reimbursement rate of 70% federal and 30% state.

Closing by Sponsor:

SEN. GLASER closed on SB 171.

**ADJOURNMENT**

Adjournment: 4:10 P.M.

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SEN. AL BISHOP, Chairman

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JEANNE FORRESTER, Secretary

AB/JF

**EXHIBIT** (phs21aad)